

REMARKS

The claims have been amended to clarify the patentable invention. Claim 1 has been amended and claims 2 and 3 cancelled. A request for a one month extension of time is hereby requested and accompanied by a fee for the one month extension. It is noted with appreciated that claim 9 is indicated to contain allowable subject matter.

In the Office Action, claim 1-2 and claim 6 have been rejected under 35 U.S.C. §102 (b) as being anticipated. This rejection is now believed to be moot due to the amendment to claim 1 adding the limitations of now cancelled claim 3. The claims as now amended are believed to alleviate this rejection.

In the Office Action, claims 3-5, 7-8 and 22-24 have been rejected as being obvious over the Muntz et al. reference. Claim 1 has been amended to incorporate the limitations of claim 3. This rejection is respectfully traversed. In this rejection, the Office Action conclusorily states that "It would have been obvious for one skilled in the art to preheat the cleaning agent in Muntz et al. process before the injection to improve and enhance the cleaning process." No citation or prior art reference was cited to support this statement.

First, the Examiner has not established a *prima facie* case of obviousness, and so the burden has not shifted to the Applicant to point out advantages over the prior art. The examiner has the burden to establish the *prima facie* case by showing: 1) that one or more prior art references show all of the features in a claimed invention; 2) that there is a suggestion to combine the features; and 3) that there would be a reasonable expectation of success. M.P.E.P. 2142 and 2143. The Examiner has not done this. The Examiner has

not identified any secondary prior art reference showing the claimed feature *missing* from Muntz et al. The M.P.E.P. requires that all claim limitations must be taught or suggested in order to establish a 103 rejection. See M.P.E.P. 2144.03. The examiner relies only on Muntz, which does not show the feature. Also, the Examiner has identified no suggestion in the prior art to combine the teachings of Muntz et al. with other prior art to complete the invention. Even if the Examiner did have a secondary reference to supply the element missing from Muntz et al., the Examiner would still need to identify a *suggestion to combine* the teachings of the references. Again, the Examiner does not even have a secondary reference; and the Examiner has identified no suggestion. Accordingly, there is no *prima facie* case of obviousness to rebut, and the rejection should be withdrawn.

The teachings or suggestions to make the claimed combination or modification and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 U.S.P.Q. 2d (Fed. Cir. 1991). The initial burden is on the Examiner to produce some suggestion of the desirability of doing what the inventor has done. "To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the Examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." (underscoring added) (MPEP 2142) citing Ex parte Clapp, 227 U.S.P.Q. 972, 973 (Bd. Pat. App. & Inter. 1985). It is respectfully submitted that the present rejection clearly fails to meet the foregoing legal criteria.

Muntz certainly does not disclose the preheating steps, as already acknowledged by the Examiner in his first and second Office Action. In the first Office Action, the Examiner expressed his opinion that WO '608 teaches the preheating steps. In the second Office Action the Examiner states that it would have been obvious for one skilled in the art to preheat the cleaning agent in Muntz's et al. process before the injection to improve and enhance the cleaning process. However, the Examiner does not give any proof for such statements.

If one takes a closer look at WO '608, in particular Fig. 3 and the description thereof, it is apparent that this document does not teach any preheating steps at all. Water is pumped from a water reservoir 17 via pump 26 to a spiral coil boiler 27. A detergent is pumped from container 40 via pump 42 in the conduit transporting the water from the reservoir 17 to the boiler 27. In this boiler 27 the mixture of water and detergent is converted into a mixture of steam and detergent, which mixture is delivered to the application device.

Nowhere in the specification of this international application is it suggested to preheat the detergent with steam prior to mixing it with the water.

As such, claims 1 (as amended), 4, 5, 7-8, 10 and 22-24 are believed to be patentable over the cited Muntz et al. reference.

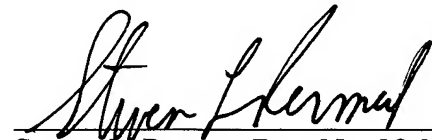
As such, it is now believed that the case is in condition for allowance and early notification of such allowance is earnestly solicited.

April 9, 2004

The Commissioner is authorized to charge any fees, or credit any overpayment in connection with this communication to Deposit Account No. 50-0852. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

REISING, ETHINGTON,
BARNES, KISSELLE, P.C.

A handwritten signature in black ink, appearing to read "Steven L. Permut", written over a horizontal line.

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